



S. RUSSELL SYLVA  
Commissioner

935-2160

# The Commonwealth of Massachusetts

Department of Environmental Quality Engineering

Metropolitan Boston - Northeast Region

5 Commonwealth Avenue

Woburn, Massachusetts 01801

August 23, 1988

Site:	WELLS 674
Break:	11.9
Other:	Olympia

Mr. George Whitten, Trustee  
Olympia Nominee Trust  
c/o Louis Massery, Esq.  
Cooley, Manion, Moore & Jones  
530 Atlantic Avenue  
Boston, MA 02210

RE: Notice of Responsibility for property owned by Olympia Nominee Trust off of Olympia Avenue in Woburn, Massachusetts, hereinafter referred to as the "Site".

Dear Mr. Whitten:

This letter is to notify you of liability to the Commonwealth of Massachusetts which Olympia Nominee Trust may have incurred or may incur in connection with the Wells G&H federal Superfund Site, including property owned by Olympia Nominee Trust off of Olympia Avenue in Woburn, Massachusetts. This letter is also to request your voluntary participation in undertaking cleanup activities at the Site, to ask you to pay costs incurred by the Commonwealth of Massachusetts for response actions at the Site, and to notify you of forthcoming cleanup response activities at the Site which you will be asked at a later date to perform or finance.

The Massachusetts Department of Environmental Quality Engineering (DEQE) has documented the release and threatened release of hazardous materials, pollutants and contaminants at the Site. DEQE has spent and is considering spending public funds on actions to investigate and control such releases or threatened releases at the Site and to respond to the release and threat of release of hazardous materials at the Site. The response activities taken to date include investigations of the materials and the extent of dangers presented at the Site, and assessment of available response actions.

The DEQE is authorized to take response actions by the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E and by previous provisions of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 27, 40. In addition, under the authority of the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601, *et seq.* (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), the United States Environmental Protection Agency (EPA) has spent and plans to continue to spend public funds in connection with the Site. The Commonwealth of Massachusetts is required by CERCLA, 42 U.S.C. § 9604(c)(3), to fund a portion of the cost of such remedial action and to ensure future operation and maintenance.



SEMS DocID 628474

Under state and federal laws, responsible parties may be liable for costs incurred by the Commonwealth of Massachusetts in responding to releases and threats of releases of hazardous material and for damages to natural resources. The laws which impose liability and authorize the Commonwealth of Massachusetts to seek recovery include the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c.21E, §§ 1, et seq.; the Massachusetts Clean Waters Act, M.G.L. c. 21; CERCLA, 42 U.S.C. §§ 9601 et seq.; M.G.L. c. 12, § 11D; and the common law. Such costs may include, but are not limited to, expenditures for investigation, planning, response and enforcement activities. Under the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, § 5, responsible parties include current and past owners and operators, as well as persons "who by contract, agreement, or otherwise, directly or indirectly, arranged for the transport, disposal, storage or treatment of hazardous materials . . ." at the Site. CERCLA, 42 U.S.C. § 9607(a) contains similar provisions.

Based on information it has obtained regarding your company, the DEQE has determined your company is potentially responsible for all response measures at the Site and/or for the cost of such response measures. Your company may also be responsible to the United States government as described in a separate letter to you from the EPA. By this letter, DEQE notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to perform or finance voluntarily the response activities that DEQE determines are required at the Site.

At this time the EPA is completing assessment activities, and, in collaboration with the DEQE, defining what remedial actions are necessary at the site. The Department is providing you the opportunity to accept liability for these assessment activities and to undertake remedial measures which include 1) the development of a Remedial Action Plan and 2) the implementation of the Remedial Action.

The DEQE and the EPA have jointly conducted a meeting for all potentially responsible parties under state and federal law on June 2, 1988 at 10:00 a.m., at the J.F.K. Federal Building, 22nd Floor, Boston, Massachusetts. At the meeting the DEQE and the EPA presented their existing knowledge of the conditions at the Site, and a summary of measures taken to date by both the state and federal agencies.

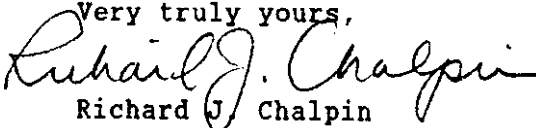
The meeting had several purposes. A major purpose was to discuss settlement without litigation of the state and federal claims for reimbursement of costs incurred in the assessment, containment, and removal of hazardous materials on the Site. Another purpose of the meeting was to discuss implementation of future measures on the Site and the willingness of responsible parties to undertake these measures.

As a potentially responsible party you should notify the DEQE in writing no later than thirty days of receipt of this letter whether your company is willing to engage in negotiations with DEQE. Please include in your letter the name, address and telephone number of the appropriate company official to contact in subsequent correspondence. If no written response is received within the 30-day response period, we will assume your company does not wish to negotiate settlement of potential liabilities at the Site and that your company declines to participate voluntarily in future response measures at the Site. In the absence of voluntary participation by potentially responsible parties in Site cleanup activities as well as any other activities deemed to be a necessary part of the cleanup process, the DEQE may then pursue litigation against responsible parties, seeking reimbursement of its Site expenditures.

All responses and notices to DEQE should be directed to:

Nancy E. Preis  
Assistant Attorney General  
Environmental Protection Division  
Department of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Very truly yours,

  
Richard J. Chalpin  
Deputy Regional  
Environmental Engineer

RJC/RDR/ae

cc: Nancy Preis, Env. Protection Div., Dept. of the Attorney General, One Ashburton Place, Boston, MA 02108  
Anne Bingham, DEQE, Office of General Counsel, 1 Winter St., Boston, MA 02108  
Michael Deland, EPA, Regional Adm., JFK Bldg., Boston, MA 02203  
(Gretchen Muench, EPA, Office of Regional Counsel, JFK Federal Bldg., Boston, MA 02203